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June 3, 2011

To: Senior Judge Scullin

Re: Optigen, LLC v. Animal Genetics, Inc.

Civ . Action 5:10-CV-940

Order to Show Cause/Sanctions

Dear Senior Judge Scullin:

Upon further review and in light of this Court's view of counsel's requests for sanctions contained in the associated papers concerning defendant's motion for Judgment on the Pleadings, counsel hereby retracts any of said requests for sanctions (i.e., Dkt. No. 17, Exhibit "1" attached thereto, at 9; Dkt. No. 19 at 11-12, and Dkt. No. 23 at 7).

Respectfully Submitted,

/James Rogers/

JAMES ROGERS, J.D., Ph.D.
Counsel for Animal Genetics, Inc.

CERTIFICATE OF SERVICE

I certify that on June 3, 2011, I caused this document to be served on Optigen's counsel of record by the Court's CM/ECF system.

/James Rogers/

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